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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,992	11/30/2000	Frederick J. Cooper	INTL-0457-P4-US (P4575X4)	3464
21906	7590	01/23/2006	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/726,992	Applicant(s) COOPER ET AL.	
	Examiner Thai Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-16, 18-28 and 30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-3, 5-16 and 18-22 is/are allowed.
6) ☒ Claim(s) 23-28 and 30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 8, 2005 have been fully considered but they are not persuasive.

In re pages 6-7, applicants argue, with respect to claim 23, that there is nothing that the concept of fast forwarding does not reach th4 concept of catching up in the present invention involving catching up the playing of the recorded information to the information currently being received because, while fast forwarding could be a tool to accomplish catching up, accomplishing that result requires more than fast forwarding, requires fast forwarding to a point, and requires fast forwarding to catch up and then terminates the fast forwarding and that there is nothing that suggest doing so "in order to reduce the playback time of the audio signal by fast forwarding the unwanted audio portion".

In response, the examiner respectfully disagrees. Goldwasser et al discloses from col. 2, line 62 to col. 3, line 5 that

"One can readily "fast forwarding" through unwanted program material such as commercials, while recording the entire program without interruption.

Similarly, if one is watching a program and receives an interruption such as a telephone call or the like, one can cause the program to be recorded while storing the tape in the accumulator. One can subsequently return to the program and watch the portion of the program which has been stored in the interim. If the interruption is comparable in length to the combined length of all unwanted program material, ultimately one may **catch up** to the program before its end".

From the above passage it is clear that Goldwasser teaches the claimed concept of catching up (one may catch up to the program before its end of Goldwasser et al). It

also clear that the time of playing back of the audio program will be reduced if fast forwarding the unwanted audio portion.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 23-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (US 2002/0048448 A1) in view of Goldwasser et al (US 5,241,428) as set forth in the last Office Action.

Regarding claim 23, Daniels discloses a system (Figs. 5(a), and 5(b)) comprising:

a processor (first recording means 14 and second recording means 20 of Fig. 1, page 5, paragraph #0076);

a random accessible memory (page 5, paragraph #0076, page 6, paragraph #0078, and page 8, paragraph #0101) computed to said processor;

an audio receiver (receiving means 12 of Fig. 1, page 5, paragraph #0075) coupled to said processor; and

a storage storing instructions (controlling means 24 of Fig. 1, pages 5-6, paragraph #0077, page 6, paragraph #0078, and page 8, paragraph #0101) that enable the processor to record and audio stream onto said memory and to retrieve a portion of the audio stream from the memory while continuing to record the audio stream.

However, Daniels does not specifically disclose the claimed to cause the playback of the audio stream to catch up with the ongoing recording of the audio stream.

Goldwasser et al teaches a variable-delay video recorder having the capability of "Fast forwarding" so that the playback can catching up with the recording (col. 7, lines 55-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of fast forwarding as taught by Goldwasser et al into Daniels' system in order to reduce the playback time of the audio signal by fast forwarding the unwanted audio portion.

Regarding claim 24, the proposed combination of Daniels and Goldwasser et al discloses all the claimed limitations except for providing an MP3 player.

The capability of compressing and decompressing audio signal in MP3 is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known compressing/decompressing audio signal using MP3 in order to increase the storage capacity of the recording medium.

Regarding claim 25, Daniels also discloses the claimed wherein said system includes a radio receiver (page 7, paragraph #0095).

Claim 26 is rejected for the same reasons as discussed in claim 24 above.

Claim 27 is rejected for the same reasons as discussed in claim 24 above.

Regarding claim 28, the proposed combination of Daniels and Goldwasser et al discloses all the claimed limitations except for providing the claimed a computer system.

It is noted that the capability of using computer system having microprocessor having ROM for controlling the recording and reproducing audio/video signal is old and well known in the art; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known microprocessor having ROM into Daniels' system in order to accurately controlling the system of Daniels or to simplify the process of controlling the system of Daniels.

Regarding claim 30, the claimed a multiplexer to multiplex reads and writes to said memory is met by the selection of the memory types similarly is within the skill of the art, and a particular implementation might involve two memory types. For example, it might be desirable to buffer a small amount of data, e.g., one compression has been performed, and then store it on a conventional "hard disk" as employed in personal

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computers. Use of a buffer memory would similarly simplify multiplexing of recording and playback operations to the disk of Goldwasser et al (col. 7, last paragraph).

Allowable Subject Matter

4. Claims 1-3, 5-16, and 18-22 are allowed.
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER